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16 **UNITED STATES DISTRICT COURT**
17 **NORTHERN DISTRICT OF CALIFORNIA**
18

19 DAVID SLACK, et al.,
20 Plaintiffs,
21 vs.
22 RUSSELL BURNS, et al.,
23 Defendants.

Case No. 3:13-CV-05001-EMC

**DEFENDANTS' NOTICE TO
WITHDRAW JOINT MOTION FOR
ATTORNEY'S FEES AND VACATE
JOINT BILL OF COSTS**

1 **PLEASE TAKE NOTICE** that Defendants Russell E. Burns, Carl Goff, and Dan Reding
 2 (“Union Trustees”) and Defendants Kevin J. Albanese, F.G. Crosthwaite, Thomas Holsman, John M.
 3 Humber, and Richard Piombo (“Management Trustees”) (collectively, “Trustees” or “Defendants”)
 4 hereby: (1) withdraw their Joint Motion for Attorney’s Fees (the “Motion”) against Plaintiffs David
 5 Slack, et al. (collectively “Plaintiffs”) filed on November 7, 2016 (Dkt. No. 352); (2) request that the
 6 hearing on the Motion, which is currently scheduled for March 2, 2017, be vacated; and, (3) request
 7 that the Bill of Costs issued by the Clerk of the Court on December 19, 2016 (Dkt. No. 355) be
 8 vacated.

9 Plaintiffs voluntarily dismissed their appeal before the Court of Appeals for the Ninth Circuit.
 10 The dismissal of the appeal by the Court of Appeals was issued on January 3, 2017, was sent to this
 11 Court, and acts as the mandate of the Court of Appeal (Appellate Dkt. No. 21). Defendants
 12 understand that dismissal of the appeal and withdrawal of the Motion (as noticed herein) resolves all
 13 remaining and pending matters in this case.

14
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 16 DATED: January 5, 2017

COX, CASTLE & NICHOLSON LLP

17 By: /s/ Dwayne P. McKenzie

Dwayne P. McKenzie

Attorneys for Management Trustee Defendants

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 19
 20 DATED: January 5, 2017

LAW OFFICE OF KENNETH C. ABSALOM

21 By: /s/ Kenneth C. Absalom

Kenneth C. Absalom

Attorneys for Union Trustee Defendants

ECF CERTIFICATION

Pursuant to Local Rule 5-1(i)(3), the filing attorney attests that she has obtained concurrence regarding the filing of this document from the signatories to the document.

DATED: January 5, 2017

COX, CASTLE & NICHOLSON LLP

By: /s/ Monica R. Briseno

Dwayne P. McKenzie

Monica R. Briseno

Attorneys for Defendants Kevin J. Albanese, F.G.
Crosthwaite, Thomas Holsman, John M. Humber, and
Richard Piombo